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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,560	09/22/2000	Michael L. Emens	ARC9-1999-0176	2173
23334	7590	12/01/2003	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			THAI, HANH B	
		ART UNIT		PAPER NUMBER
		2171		
DATE MAILED: 12/01/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/668,560	EMENS ET AL.
	Examiner	Art Unit
	Hanh B Thai	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on amendment dated 9/24/2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

This is in response to the amendment dated September 24, 2003

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, examiner is not clear "the recording of the search results that are selected" by whom (on page 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U. S. Patent no. 5,862,223) of record in view of Culliss (U. S. Patent no. 6,078,916).

Regarding claims 1, 5, 9 and 13, Walker discloses a method for associating search results, said method comprising the steps of:

- providing a first list of search results to a first user in response to a first query (see col. 20, lines 6-7, Walker); Please note that “original list of search results” corresponds to “expert answer”.
- recording each of the search results (see col. 19, lines 4-7 and , Walker). The expert answer for the first end user is stored in the expert database;
- receiving a second query from a second user, the second query being the same as or similar to the first query (see col. 19, line 67 to col. 20, lines 1-3, Walker).

The second end user create a second query that is similar to the first end user request and submit the request to get an expert answer.

Walker, however, does not disclose an alternate list of the search results that were previously selected by the users in response to the same or a similar query.

Culliss, on the other hand, discloses these limitations (see col.6, lines 29-35; col.27, lines 35-52; Fig.1 and abstract of Culliss).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker to include the list of the search results that were previously selected by the users in response to the same or a similar query as taught by Culliss. The motivation of doing so would have been to potentially increase the exposure of the search results to the public searching the Internet (see col.2, lines 29-36, Culliss).

Regarding claim 2, Walker/Culliss combination further discloses the step of receiving the second query from the second user, providing the first list of search results to a plurality of other users in response to queries that are each the same as or similar to the first query; and recording each of the search results from the first list that is selected by one of the other users (see col.6, lines 29-35; col.27, lines 35-52; Fig.1, Culliss).

Regarding claims 3, 6, 10 and 14, Walker/Culliss combination further discloses the step of providing to the second user the alternate list; receiving a request from the second user to view the alternate list of search results; and providing the alternate list of search results to the second user (see col.3, lines 11-22; col.6, lines 29-35; col.27, lines 35-52; Fig.1 and abstract of Culliss).

Regarding claims 4,7, 11 and 15, Walker/Culliss combination further discloses storing each selected search result in a query database; and for each stored searched result, storing an alternate results vector for each query for which the stored search result was selected (see fig.2, Walker). The “results vector” corresponds to the “expert answer”

Regarding claims 8, 12 and 16, Walker/Culliss combination further discloses the searching a network using the query so as to produce one of the original lists of search results (column 1, lines 44-50 and column 2, lines 10-20, Walker).

Regarding claim 17, Walker/Culliss combination further each of the search results in the first list of search results includes a hyperlink to an external resource (see col.5, lines 50-55, Culliss).

Regarding claim 18, Walker/Culliss combination further each of the search results in the first list of search results includes a short abstract of the external resource (see col.5, lines 50-60, Culliss).

Regarding claim 19, Walker/Culliss combination further that recording each of the hyperlinks from the first list that is selected by the first user, and the alternate list includes all of the hyperlinks that have been previously selected by at least one user in response to the first query and/or similar queries (see Fig.1 and abstract of Culliss).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai  
Art Unit 2171  
November 25, 2003

*Han*  
UYEN LE  
AU 2171